

4. Plaintiffs fail to allege an express policy or widespread practice of the School District which caused a constitutional deprivation.

ANSWER: Plaintiffs deny the allegations contained in this paragraph.

5. Plaintiffs lack standing to sue for a violation of the Illinois Abused and Neglected Child Reporting Act because the Act does not provide for a private cause of action.

ANSWER: Plaintiffs admit that there is no standing to sue for private right of action, but aver that a violation of a statute is “negligence per se” as it is a criminal offense.

6. Under the plain language of the Illinois Abused and Neglected Child Reporting Act, the Defendants were under no obligation to report child-on-child sexual activity at school to DCFS.

ANSWER: Plaintiffs deny the allegations contained in this paragraph.

7. The Local Governmental and Governmental Employees Tort Immunity Act bars Plaintiffs from recovering under Counts III and IV.

ANSWER: Plaintiffs deny the allegations contained in this paragraph.

WHEREFORE, for the foregoing reasons, Plaintiffs, S.G. and S.G. as parents and guardians of L.G., a minor move for an Order dismissing Defendant’s Affirmative Defenses with prejudice and awarding Plaintiffs their costs of suit, and for such other and further relief as this Court deems just and appropriate.

Respectfully submitted,

S.G. and S.G. as parents and guardians of L.G., a
minor, Plaintiffs.

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AFFIDAVIT OF SERVICE

The undersigned certifies that on June 4, 2008, a copy of the following was electronically served vis the U.S. District Court CM/ECF E-Filing System upon the following:

S.G. and S.G. v. Rockford Board of Education, School District No. 205

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